



**UNIVERSITI PUTRA MALAYSIA**

**MALAY RESERVATION LAND:  
A LEGAL AND HISTORICAL ANALYSIS**

**BASHIRAN BEGUM MOBARAK ALI**

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**MALAY RESERVATION LAND:  
A LEGAL AND HISTORICAL ANALYSIS**

**BASHIRAN BEGUM MOBARAK ALI**

**Thesis Submitted in Fulfilment of the Requirement for the Degree of  
Doctor of Philosophy in the Graduate School of Management  
Universiti Putra Malaysia**

**July 2002**



*TO MY PARENTS MOBARAK ALI AND HAFIZA BIBI  
MY DEAR HUSBAND RAFIK AHMAD  
AND MY BEAUTIFUL CHILDREN,  
RABIA TUL  
RAEES  
RUSYAI DI  
RIDHWAN  
RAIYHANA  
RASYAD  
&  
THE ONE ON THE WAY SOON!*

Abstract of thesis presented to the Senate of Universiti Putra Malaysia in  
fulfilment of the requirement for the degree of Doctor of Philosophy.

**MALAY RESERVATION LAND:  
A LEGAL AND HISTORICAL ANALYSIS**

By

**BASHIRAN BEGUM BINTI MOBARAK ALI**

**July 2001**

**Chairman: Professor Shaik Noor Alam B. Shaik Hussein, Ph.D.**

**Faculty: Modern Languages and Communication**

The thesis is a study on the legal and historical aspect of Malay reservation land. It aims to examine the Malay reservation law found in the various states' Enactment, including the provisions of the Federal Constitution.

Malay reservation land can be said to represent land within the boundary of a state, which at law can only be owned or transferred to Malay. This general concept embraces the Malay Holdings in Trengganu. In a more specific sense, a Malay reservation land is defined in Article 89 of the Federal Constitution.

It was the British who introduced the Malay reservation land to protect the Malays. At present these laws that protect the Malay race have been abused. For example, acquired Malay reservation land has not been replaced immediately by the government as required by the provision of the Federal Constitution. Above all, the Malay reservation land is still within the ambit of a low market value, due to the fact of its location and lack of infrastructure. In addition, the Malay reservation law is rigid in its application, as it does not allow any dealing with non-Malays.

This research attempts to justify why and how the Malay reservation institution was introduced.

The study is a mix of descriptive and analytical approach. The data were gathered through library research from the higher institutions, Malaysian Archive and the land office. The major obstacles faced were on the collection of overseas statutes and the confidentiality on collection of land policies in the land office. The aim of the collection was to observe and analyse the development of the Malay reservation law in order to examine the obstacles that have caused the lack of development of Malay reservation land.

In line with the findings outlined above, the research also attempts to suggest some recommendations towards improving the Malay reservation law and finally one uniform law on Malay reservation for the welfare and development of the Malays should be enacted

Abstrak tesis yang dikemukakan kepada Senat Universiti Putra Malaysia  
sebagai memenuhi keperluan ijazah untuk Doktor Falsafah.

**TANAH REZAB MELAYU: ANALISA DARI SEGI PERUNDANGAN  
DAN SEJARAH**

Oleh

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Tesis ini adalah merupakan satu kajian terhadap Tanah Rezab Melayu dari sudut perundangan dan sejarah. Tujuan kajian ini ialah untuk meneliti undang-undang yang diguna pakai berkaitan dengan Tanah Rezab Melayu, terutamanya peruntukkan dalam Enakmen Tanah Rezab Melayu. Ini termasuk peruntukkan dalam Perlembagaan Persekutuan.

Tanah Rezab Melayu boleh diertikan sebagai tanah-tanah yang terdapat didalam sempadan sesuatu negeri dan yang mana hak milik terhadapnya hanya boleh dipegang oleh atau dipinda kepada orang Melayu. Pengertian Am ini meliputi tanah pegangan Melayu di Trengganu. Rezab Melayu secara khusus mempunyai erti termaktub dalam Perlembagaan Persekutuan, Perkara 89.

Sejarah telah menyaksikan bahawa Tanah Rezab Melayu telah diperkenalkan oleh British untuk melindungi hak kepentingan Orang Melayu. Walau bagaimana pun Tanah Rezab Melayu telah disalah gunakan oleh kerajaan dimana undang-undang berkaian dengan Tanah Rezab Melayu telah tidak dipatuhi. Contohnya, ialah

Tanah Rezab Melayu telah diambil oleh kerajaan tetapi tidak diganti semula sebagaimana diperuntukkan dalam Perlembagaan Persekutuan. Tanah Rezab Melayu juga termasuk dalam lingkungan tanah-tanah yang tidak mempunyai mutu ekonomi yang tinggi disebabkan kerana kedudukan geografi, kesuburannya dan kekurangan infrastruktur. Ini diburukkan lagi dengan peruntukkan undang-undang yang ketat yang telah menyempitkan ruang urusniaga terhadap tanah tersebut.

Kajian ini juga adalah penjelasan tentang mengapa dan bagaimana undang-undang Tanah Rezab Melayu diperkenalkan.

Kajian ini melibatkan pengumpulan data-data daripada perpustakaan Universiti, Arkib Negara dan pejabat tanah. Data tersebut dianalisa secara terperinci untuk melihat perkembangan undang-undang daripada zaman British sehingga sekarang. Ia bertujuan untuk melihat halangan-halangan yang menyebabkan kemunduran Tanah Rezab Melayu.

Pengkajian ini mencadangkan pindaan kepada undang-undang Tanah Rezab Melayu yang sedia ada serta mewujudkan satu undang-undang khusus Tanah Rezab Melayu terpakai kepada semua negeri-negeri di Malaysia.

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I certify that an Examination Committee met on 4<sup>th</sup> July 2002 to conduct the final examination of Bashiran Begum Mobarak Ali on her Doctor of Philosophy thesis entitled "Malay Reservation Land : A Legal And Historical Analysis" in accordance with Universiti Pertanian Malaysia (Higher Degree) Act 1980 and Universiti Pertanian Malaysia (Higher Degree) Regulations 1981. The Committee recommends that the candidate be awarded the relevant degree. Members of the Examination Committee are as follows:


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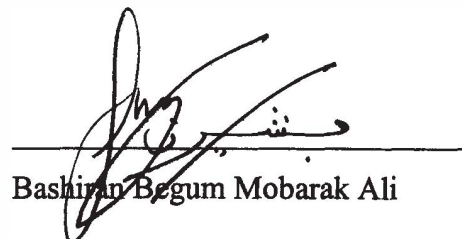
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## DECLARATION

I hereby declare that the thesis is based on my original work except for quotations and citations, which have been duly acknowledged. I also declare that it has not been previously or concurrently submitted for any other degree at UPM or other institutions.



Bashiran Begum Mobarak Ali

Date: July 23, 2002.

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**LIST OF GLOSSARY**

<i>Bumiputra</i> people	Literally means the ‘sons of the soil’; the indigenous
<i>Daulat</i>	Supernatural, mystical authority
<i>Derhaka</i>	Disloyal, treason
<i>Islam</i> religion.	Literally means submission to the will of God,
<i>Masuk Melayu</i>	Literally means to be a Malay; conversion to Islam
<i>Merdeka</i>	Independence
<i>Kampung land</i>	Country Land